

Prob 12B

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION
WITH CONSENT OF THE OFFENDER**

(Probation Form 49, Waiver of Hearing, is attached)

Offender Name: DALE C. HENSON

Docket Number: 1:02CR05277-001 REC

Name of Judicial Officer: Honorable Robert E. Coyle
Senior United States District Judge
Fresno, California

Date of Original Sentence: February 7, 2005

Original Offense: 18 USC 38, Fraud Involving Aircraft Parts In
Interstate Commerce

Original Sentence: 36 months probation; \$100 SA; \$25,000 fine.

Special Conditions: 1) Search and seizure; 2) Not dispose/dissipate
assets; 3) Financial disclosure; 4) No incur new
credit charges or open additional lines of credit.

Other Court Action:

04/07/2005: Probation Form 12C, Petition for Warrant or
Summons For Offender under Supervision, filed
with the Court, based on the offender's failure to
notify the probation officer of his change in
residence.

07/01/2005: **Dispositional Hearing:** Continued on probation
as previously ordered; Special conditions that
included drug testing; correctional counseling,
and alcohol abstinence added.

Type of Supervision: Probation

Date Supervision Commenced: July 1, 2005

RE: HENSON, Dale C.
Docket Number: 1:02CR05277-001 REC

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

The defendant shall submit to one drug test within 15 days of release on supervised release and at least two periodic drug tests thereafter, not to exceed four (4) tests per month, as directed by the probation officer, pursuant to 18 USC 3583(d).

JUSTIFICATION

The defendant is currently being supervised in the Central District of California (CD/CA). The CD/CA probation office is requesting that the above-referenced condition be added to the defendant's supervised release conditions based upon the Ninth Circuit Court of Appeals' finding in *United States v. Stephens* (9th Cir. 2005). In *United States v. Stephens*, the Court limited the probation officer three random tests outside of treatment. However, the defendant's drug history warrants continued monitoring for return to illicit drugs.

Respectfully submitted,

/s/ Scott J. Waters

Scott J. Waters
Senior United States Probation Officer
Telephone: (559) 499-5726

DATED: April 19, 2006
Fresno, CA

REVIEWED BY: /s/ Bruce A. Vasquez
Bruce A. Vasquez
Supervising United States Probation Officer

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THE COURT ORDERS:

☒ **Modification approved as recommended.**

☐ **Modification not approved at this time. Probation Officer to contact Court.**

IT IS SO ORDERED.

Dated: April 19, 2006
emm0d6

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE